

## **REMARKS**

The Office Action dated November 4, 2004 has been received and carefully noted. The above amendments to claims 1, 3, 4, 28, and 34 and cancel claim 2, without prejudice or disclaimer, and the following remarks, are submitted as a full and complete response thereto.

Applicant is grateful for the indication that claims 22-27 are allowed and that claims 4-19, 29-31, and 35-37 contain allowable subject matter, and would be allowable if amended to be in independent form. Accordingly, independent claims 1, 28, and 34 have been amended to include allowable subject matter. New independent claims 41 and 43 are submitted for consideration. Although of different scope, claims 41-43 include similar claim features as those recited in independent claims 1 and 22 including allowable subject matter. Applicant respectfully submits that independent claims 41 and 43 and related dependent claim 42 stand in condition for allowance. Support for new claims 41 and 42 may be found, for instance, on paragraphs [0082] and [0083] of the Specification of the present application.

Claims 1 and 3-43 are pending and under consideration.

## **REJECTIONS UNDER 35 U.S.C. § 102:**

*In the Office Action, at page 2, claims 1-3 and 20-21 were rejected under 35 U.S.C. § 102 as being anticipated by U. S. Patent No. 6,061,018 to Sheynblat ("Sheynblat"). The Office Action took the position that Sheynblat describes all the*

*recitations of independent claim 1 and related dependent claims. In addition, in the Office Action, at page 2, claims 1, 20-21, 28, 32-34, and 38-40 were rejected under 35 U.S.C. § 102 as being anticipated by U. S. Publication 2003/0006930 to Logwig et al. ("Logwig"). The Office Action took the position that Logwig describes all the recitations of independent claims 1, 28, and 34 and related dependent claims. Finally, in the Office Action, at page 3, claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by U. S. Patent No. 6,756,938 to Zhao et al. ("Zhao"). The Office Action took the position that Zhao describes all the recitations of independent claim 1.*

*The rejections set forth above are traversed and reconsideration is requested.*

Independent claim 1, upon which claims 2-21 are dependent, recites a providing a method for estimating altitude of a communications device, comprising the step of: two-dimensional location estimate of the communications device, and estimating the altitude of the communications device based at least on altitude of at least two antenna of a communications system and on the two-dimensional location estimate of the communications device, said communications device communicating with the communications system via said at least two antenna.

Independent claim 28, upon which claims 29-33 are dependent, recites a communications system including storage means for storing antenna information representing at least altitudes of antennas of the communications system, and first estimation means for estimating an altitude of a communications device based at least on altitudes of at least two antennas of the communications system. The communications

device communicates with the communications system via the at least two antennas, and on a two-dimensional location estimate for the communications device.

Independent claim 34, upon which claims 35-40 are dependent, recites a network element for a communications system including first determination means for determining antenna information representing at least altitudes of antennas of the communications system, and first estimation means for estimating an altitude of a communications device based at least on altitude of the at least one antenna of the communications system. The communications device communicates with the communications system via the at least two antennas, and on a two-dimensional location estimate for the communications device.

Independent claim 41, upon which claim 42 is dependent, recites a computer readable medium containing executable computer program instructions which, when executed by a data processing system, cause the data processing system to perform a method comprising providing a two-dimensional location estimate of a communications device, and estimating the altitude of the communications device based at least on altitude of at least two antennas of a communications system and on the two-dimensional location estimate of the communications device, the communications device communicating with the communications system via the at least two antennas.

Independent claim 43 recites a method for providing location assistance information to a communications device communicating with a communications system, the method comprising: providing a two-dimensional location estimate for a

communications device, estimating an altitude estimate for the communications device based at least on altitude information of at least two antenna of the communications system and on the two-dimensional location estimate, the communications device communicating with the communications system via the at least two antennas, and determining location assistance information based on the two-dimensional location estimate and the altitude estimate for the communications device.

Because independent claims 1, 28, 34, and 41 include allowable subject matter, it is respectfully asserted that the rejections to the claims are rendered moot in view of Sheynblat, Logwig, and Zhao. Thus, is it respectfully requested that independent claims 1, 28, 34, 41, and 43 stand in condition for allowance.

### **CONCLUSION:**

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 1, 3-21, and 28-43 be found allowable and, along with allowed claims 22-27, this application passed to issue.


If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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